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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,384	11/25/2003	Michael R. Schneider	1123.43307X00	4284

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

AIRAPETIAN, MILA

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,384

Applicant(s)

SCHNEIDER, MICHAEL R.

Examiner

Mila Airapetian

Art Unit

3625

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/08/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what does the phrase "receiving a reserve to confirmation" contemplates.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Chaves (US 2002/0042752) in view of Barzilai et al. (hereinafter Barzilai) (US 6,012,045).

Claim 1.

Chaves teaches a method for selling motor vehicles over the Internet comprising:

receiving a customer identification from a customer [0024];

receiving data representing a non-binding order from said customer [0026],
[0027];

generating a price offer in response to said non-binding order and sending data representing said received non-binding order together with said price offer to said customer [0058];

receiving a rejection of said price offer from said customer; characterized by receiving a bid price related to said order from said customer [0058];

determining a lowest acceptable price for the present customer-order combination, on the basis of at least available stock data and available customer-history data [0061];

accepting said bid price, if said bid price exceeds said determined lowest acceptable price [0061].

However Chaves does not teach sending a confirmation for said order to said customer.

Barzilai teaches a computer-based method of selling consumer products wherein the system consummates the sale of the product to the highest bidder via an electronic confirmation to the winning bidder or purchaser (col. 2, lines 48-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chaves to include sending a confirmation for said order to said customer, as disclosed in Barzilai, because it would allow the customer know that his order was successfully placed, without inquiring for this information by himself, thereby increasing customer service.

Claim 2. Chaves teaches said method further comprising: rejecting said bid price and generating an alternate price offer, based on said generated lowest acceptable price, if said bid price does not exceed said determined lowest acceptable price, and sending said alternate price offer to said customer [0058], [0061].

Claim 3. Chaves teaches said method, further comprising: receiving an acceptance of said alternate price offer and a confirmation of said order from said customer [0281].

Claim 4. Chaves teaches said method further comprising:

receiving a rejection of said alternate price offer from said customer [0058];

receiving an alternate bid price from said customer, generating an alternate lowest acceptable price, based on at least one of said received bid price, said alternate bid price, said generated lowest acceptable price, said price offer and said alternate price offer [0058], [0061]; and

accepting said bid price, if said alternate bid price exceeds said generated alternate lowest acceptable price [0061].

Claim 5. Chaves teaches said method, further comprising receiving a reserve to confirmation from said customer [0281].

Claim 6. Chaves teaches said method further comprising a step of sending and receiving data for log-in procedures to and from said customer [0024];

Claim 7. Chaves teaches software tool comprising program code means stored on a computer readable medium for carrying out the method of claim 1, when said program product is run on a computer or network device [0013].

Claim 8. Chaves teaches computer program product comprising program code, downloadable from a server for carrying out the method of claim 1, when said program product is run on a computer or network device [0013].

System claim 9 repeats the subject matter of method claim 1, as a set of apparatus elements rather than a series of steps. As the underlying processes of claim 1 have been shown to be fully disclosed by the teachings of Chaves and Barzilai in the above rejection of claim 1, it is readily apparent that the system disclosed by Chaves and Barzilai includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claim 1, and incorporated herein.

Claim 10. Chaves teaches a system for internet motor vehicles sales including:

an alternate price offer generating component, connected to said component for determining a lowest acceptable price, connected to said component for accepting/rejecting received bid prices and connected to said processing unit, for subsequently generating alternate price offers [0058], [0061].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US 2002/0029182 to Nakagawa teaches an action system relating to provision of service, server, auction site, an auction and net auction method.

(ii) US 2003/0061179 to Reece teaches a threshold pricing in dynamically priced environment.

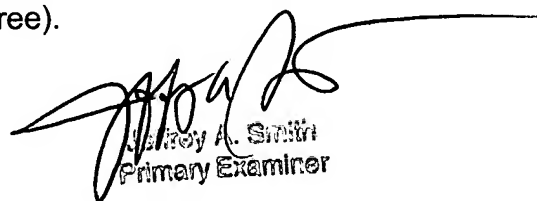
(iii) US 2003/0233311 to Bramnick et al. teaches a method and system for providing goods and services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MA



Jeffrey A. Smith
Primary Examiner